

REMARKS

The Office Action of May 16, 2007, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 21, 37 and 59 were rejected under 35 U.S.C. § 102 (b) as being anticipated by *Quercioli* (U.S. Patent No. 6,227,741) and claims 21, 37, 51, 53, 55, 57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kirita* (U.S. Patent No. 6,659,672) in view of *Takanashi et al* (U.S. Patent No. 6,428,235) and *Madaus et al.* (U.S. Patent No. 4,979,840).

As set forth above, claim 21 has been amended to further define the position and the shape of the ink guiding feed. The positioning of the ink guiding feed between the ink occlusion body and the pen tip, as recited in claim 21 and claim 59, enables the user to detect exhaustion of all the ink stored in the occlusion body. When the occlusion body and the pen tip, both of which are porous bodies, are full of ink, the hollow, tubular ink guiding feed is also full of ink. As the ink is consumed at the pen tip, the ink flows from the occlusion body to the pen tip via the ink guiding feed. When the ink in the occlusion body is exhausted, the ink in the ink guiding feed is immediately consumed so that the ink guiding feed becomes empty, whereby the ink stored in the occlusion body is detected to have been exhausted by observing the empty ink guiding feed having visibility.

As previously asserted, in the primary reference upon which the Examiner relies, *Quercioli*, the writing tip (9) is not an ink guiding feed, but a felt tip or fiber tip or similar type of roller ball or ballpoint pen. The inside of a roller ball or a ballpoint pen tip cannot be seen because the tip is made of a material housing a hard ball at the

point, usually a metal ball. In the case of a felt tip, the writing tip 9 will be permanently tinted by the ink during use; hence, the tinting will not vanish immediately after the ink is exhausted and therefore the ink exhaustion cannot be determined through visual observation of a transparent portion of the barrel. It is impossible for a user to detect when the ink will be exhausted through visual observation of the felt/fiber tip 9, since it will continue to have the same color as the ink during use. Accordingly, the Examiner's assumption that a sign of exhausting the ink fed from the ink occlusion body can be inherently detected by observing the writing tip 9 is not correct. Rather, in Quercioli, only the level of ink stored in the chamber 25 can be seen and the existence of ink absorbed in the plug 14 of absorbent material cannot be detected for the same reason as in the felt tip pen. Applicant respectfully submits that Quercioli does not disclose a writing instrument in which "a sign of exhausting the ink fed from the ink occlusion body is detected by visually observing the ink guiding feed via a visible part formed in the barrel," as recited in claim 21, or "an ink guiding feed formed of a transparent or translucent material disposed between the ink occlusion body and the pen tip," as recited in newly added claim 59.

The Examiner also relies upon a combination of references to render the claimed invention unpatentable. The Examiner contends that Kirita includes "an ink guiding feed (12a) having visibility since it is made of transparent material." However, 12a is a shank portion of an ink leader portion which is formed of a foamed polymer material, such as a sponge. What is formed of transparent material is support member 11 which is composed of a view portion 11a and a shank portion 11b. As explained above relative to Quercioli, when the ink leader made of an

absorbent material, such as a foamed material, it becomes tinted with the ink and cannot suggest the exhaustion of the ink through visual observation, even if the barrel is made of transparent material.

The Examiner further relies upon Takanashi for its alleged disclosure of a transparent barrel 12 and ink guiding feed 18. As explained above, even combining the teaching of a transparent barrel with that of Kirita, the one skilled in the art still would not obtain a writing instrument in which "a sign of exhausting the ink fed from the ink occlusion body is detected by visually observing the ink guiding feed via a visible part formed in the barrel," as recited in claim 21, or "an ink guiding feed formed of a transparent or translucent material disposed between the ink occlusion body and the pen tip," as recited in newly added claim 59. Takanashi discloses a writing implement of free ink type which comprises a barrel cylinder 12, a holder 14 holding a pen core 10, and has a collector 18 and an ink tank 16 in the barrel cylinder. The barrel cylinder, collector and ink tank are formed of a transparent material. Thus, a user can see the ink stored in the tank 16, the temporarily retained ink in the collector, the intermediary core 24 and the pen core 10. However, the intermediary core is made up of a compressed fabric element. Therefore, as explained above with respect to Quercioli, once the intermediary core is tinted with the ink during normal use, the ink exhaustion can not be detected through visual observation of the intermediary core because it has been permanently tinted. Hence, Takanashi discloses an ink tank which is tubular and an intermediary core which is made of an absorbent material. On the contrary, in the claimed invention it is the ink guiding feed which is tubular and the ink tank is made of an occlusion body

such as a fiber bundle. Accordingly, Takanashi does not provide the teaching which was found lacking in the other references.

Madaus, upon which the Examiner also relies, discloses a cartridge-type fountain pen with a correction-cartridge receiver which is placed at the rear end of the barrel, opposite to the end of the writing tip. In Madaus, the second cap for the correction liquid has a window through which a user can determine the presence or absence of an applicator tip for the correction liquid. Contrary to the claimed invention, the window is not provided on the barrel and it does not indicate the remaining amount of ink.

Accordingly, in view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Respectfully submitted,

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